

**CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, SEPTEMBER 2, 2009**

The City Council of the City of Leon Valley, Texas, met on the 2nd day of September 2008 at 7:00 p.m. at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

REGULAR CITY COUNCIL MEETING - 700 P.M.

Call to order and Pledge of Allegiance.

Mayor Riley called the meeting to order at 7:02 p.m. and asked that the minutes reflect that the all members of Council were present: Manea, Reyna, Baldrige, Dean, and Nelson.

City Manager Lambert, City Secretary Feutz, Fire Chief Irwin, Police Chief Wallace, City Accountant Wallace, Public Works Director Vick, Community Development Director Flores, Economic Development Director Ryan, and Assistant City Attorney Onion were also present.

Mayor Riley welcomed Scouts from Pack 518 who were working on their "Citizenship in the Community" badge. She asked them to come forward and to lead the assembled group in the Pledge of Allegiance.

Presentation on State Energy Conservation Office (SECO) reports and on Energy Manager Policy tools by David Rocha, Texas Energy Engineering Services, Inc.

Mayor Riley announced that Mr. Rocha was not able to attend tonight's meeting and that Saleem Khan, P.E., also from the Texas Energy Engineering Services, will provide the results from our energy audit. City Manager Lambert explained that the City requested the free energy audit and that a report was given to the City on areas that we can reduce our energy usage.

Saleem Kahn presented information on the work of the State Energy Conservation Office (SECO) and reviewed the five City facilities surveyed for the energy audit: City Hall/Police/Fire Departments, the Public Works Service Center, the Library, the Conference Center and the Community Center. He explained that, as part of the energy survey, they are required to establish an Energy Use Index (EUI) indicating the total annual electric and natural gas usage and to review the Energy Cost Index (ECI) of the total annual electric and natural gas usage for each facility. Mr. Kahn provided slides illustrating the EUI levels for the facilities surveyed and he stated that the higher level for the City Hall/Police/Fire Building was indicative of the 24-hour operation in those facilities.

Mr. Kahn reviewed highlights of the Senate Bill 12 and House Bill 3693 which requires the City to establish energy reduction goals, requires utility data reporting, more energy efficient lighting, and to install external energy saving devices. He indicated that the City is already performing the first two requirements and is in the process of the third with its installation of more energy efficient lighting and other activities. He stated that the fourth provision mainly applies to motion detectors to be installed on vending machines.

Mr. Kahn provided a summary of energy cost reduction measures that the City could consider to include lighting retrofits, HVAC replacement, installing programmable thermostats, EMS (energy

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management system installation, and he noted that installing vending machine motion devices are mandatory. He recommended the under the energy management policy, that energy costs are monitored at regular intervals and that standardized office thermostat settings be established.

City Manager Lambert stated that staff may have to seek budget adjustment to meet goals but the improvements will decrease the City's carbon footprint as it works toward its goal of El Verde by 2020. He informed Council that the Public Works Assistant Director, Fred Stolz, was the City's energy manager.

Councilmembers asked questions of Mr. Kahn to include the availability of any grant funding for these energy saving improvements, and Mr. Kahn reported that there are Lone Star Loans available with low interest rates and long pay back terms. Mayor Riley thanked Mr. Kahn for the valuable information presented.

Citizens to be heard and time for objections to the Consent Agenda.

Mayor Riley asked Councilmembers if they wished for anything on the Consent Agenda to be removed from that agenda for further discussion. Hearing no requests, Mayor Riley then asked if anyone in the audience wished to address the Council.

Susan Ghertner, Environment Affairs Manager for HEB Grocery, addressed Council commending them for their El Verde 2020 goals. She introduced Jose Campuzano, Manager of the HEB Marketplace, and Michael Byrne, also from of the same store. Ms. Ghertner introduced ways that HEB is reducing the number of plastic shopping bags by increasing the number of items put in each bag saving the use of 136 million bags. She noted that HEB provides recycling bins for all kinds of plastic bags. She reminded everyone of HEB's Student/School recycling program that gives monetary rewards to students for each pound of plastic shopping bags returned for recycling. She also presented the HEB reusable bags that, over the lifetime of the reusable bag, save over 50 plastic shopping bags.

Trade and Market Days Chair Nita Lange addressed Council informing them of the new Market Days in Helotes to be held the first Saturday each month using a very similar platform as the City of Leon Valley's.

Seeing no one else to come forward for the "Citizens to be heard" portion of the meeting, Mayor Riley asked for a motion to approve the following Consent Agenda items:

Consent Agenda

**Consider approval of minutes of the Regular City Council Meeting of
August 19, 2008 (Feutz).**

**Consider action on M&C # 09-01-08 - a request for Council to approve Final
Acceptance of Public Improvements at the LDS-Huebner Subdivision, being Lot 6,
Block 1, CB 4445, located at 7420 Huebner Road (Flores).**

Consider action on M&C # 09-02-08 - a request for Council to approve

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**Preliminary Acceptance of Public Improvements at the Leon Valley
Addition - Glass Service Subdivision, being Lots 67 through Lot 73, Block
3, CB 5784, located in the 6700 block of Poss Road and the 6400 block of
Grissom Road (Flores).**

**Consider action on M&C # 09-03-08 - a request to award the contract for the 2008
Supervisory Control and Data Acquisition (SCADA) System to Trac-n-Trol for
\$65,000 (Stolz).**

**Consider action on M&C # 09-04-08 with attached ordinance - a request for
Council approval of a budget adjustment to the Community Center Fund for an
audit of the Trade and Market Days program (Lambert).**

A motion was made by Councilman Manea, seconded by Councilmember Baldrige, to approve the Consent Agenda Items as listed above. Upon vote, Mayor Riley announced that the motion carried and all Consent Agenda items were approved.

Regular Agenda

**First Public hearing on the proposed 2008 tax rate of \$.527400 per \$100 valuation, which
is the same tax rate as last year (Lambert).**

Mayor Riley announced that this was the first public hearing to hear from the public on the proposed 2008 tax rate of \$0.527400.

City Manager Lambert reviewed the information on the proposed 2008 tax rate indicating that the property tax code requires the City to conduct the two public hearings before Council votes on the proposed tax rate. He provided a brief review of how the increased tax would affect the average home valued at \$122,405 by \$28.54 annually. He presented information on the effective tax rate and the rollback tax rate for Council and the audience. Mr. Lambert stated that the proposed 2008 tax rate is 2.344099% , or \$0.012135, over the 2008 effective tax rate.

Mayor Riley opened the public hearing at 7:35 p.m. and invited anyone in the audience to come forward to speak on the tax rate. Hearing no one, she closed the public hearing at 7:36 p.m.

Mayor Riley announced that the second public hearing would be held on September 9, 2008 in the City Council Chambers and that the vote by City Council on the proposed 2008 tax rate would be held on September 16, 2008 at the City Council meeting at 7:00 p.m. in Council Chambers.

**Consider action on M&C # 09-05-08 with attached ordinance - a request to repeal and
replace City Code Chapter 14, "Lots, Yards, and Fences", Section 14.200 "Fences", to
update the Section and add requirements for eight foot (8') fences between
residential and business districts and requiring the finished side of the fence to
orient toward the public view or right-of-way and providing for penalties of not less
than one hundred dollars (\$100) nor more than two thousand dollars (\$2,000) (Flores).**

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Community Development Director Flores addressed Council stating that staff was asked to review city ordinances which address fencing in Leon Valley to help beautify the City. Ms. Flores proposed two new requirements be added to the City Code which would require the finished side of business and residential fencing to orient towards the public viewpoint or right-of-way and changing the height of fences between residential and commercial properties from the current requirement of six feet to eight feet. Ms. Flores noted that this section of the Code was last updated in 1999 and noted minor changes that would update language of the section.

City Attorney Onion recommended that the ordinance's penalty maximum fine be reduced to \$500 rather than \$2,000.

In response to Council questions, Ms. Flores stated that when residents replace fencing they will be required to comply with the new regulations requiring the finished side of fencing to face toward the public viewpoint and the increased fence height would also become effective with new fencing permits.

Following discussion, a motion was made by Councilman Reyna, to adopt Ordinance 08-043 as presented with an amendment to Section 14.205 which will limit the fine to no less than one hundred dollars (\$100) and no more than five hundred dollars (\$500). The motion was seconded by Councilmember Nelson. Upon unanimous vote, Mayor Riley announced the motion carried.

Discussion Agenda

Report and Discussion on progress of the 2008 Strategic Plan (Lambert).

A motion was made by Councilman Reyna, seconded by Councilman Manea, to suspend the order of business and move this agenda item under the City Manager's Report. Upon vote, the motion carried.

Discussion on the use of cameras to deter motorists from proceeding through red traffic lights (Councilmember Dean/Lambert).

Mayor Riley announced that when Council first considered using red light cameras to deter motorists from running red lights back in the Spring of 2007, there were no other local cities using this method to promote safety locally. She stated that Councilman Dean asked that this item be brought back for discussion before Council.

City Manager Lambert stated that one issue being voiced by our residents is for more police visibility in the neighborhoods. He stated that Leon Valley police are working 3 accidents per day, with most on Bandera Road and those accidents take patrols out of neighborhoods for sometimes several hours. He stated that one way to reduce traffic patrol time on Bandera Road and to increase residential traffic patrols with additional officers would be the implementation of red light cameras down Bandera Road. He presented estimates from Balcones Heights, a city using red light cameras, which included estimated city revenues and expenses for use of the cameras and how that additional revenue could be used by the City for additional police officers. He stated that if the City wished to move forward with this initiative, Leon Valley would go out for

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competitive bids for the services of a company to provide the cameras. He stated that the State of Texas collects 50% of the revenue derived from the penalties collected, less expenses. Mr. Lambert stated that the additional revenue from the civil fines for the red light violations picked up by these cameras in Balcones Heights fund three officers and pays for all the street lights in their city.

Chief Wallace indicated that the study conducted in 2007 indicated that cameras could be justified at the Bandera Road intersections with: Timco, Huebner, Seneca, and Grissom Roads.

Councilmember Dean stated that he was against this initiative previously, but, although he is against the idea of police officers being used to make money for the City, he was contacted by a lobbyist for these cameras, Rob Morrow, who explained how the red light camera system worked. He stated that with more information on the system, he is now in favor of the camera deterrent that would also allow the City to hire more police officers in the City and the system would discourage motorists from ignoring red lights.

Council discussion continued regarding why other cities have not adopted red light cameras, will the red light cameras be a negative or a positive addition to Leon Valley, can TxDOT refuse to allow the City to install the lights on State Highway 16 (Bandera Road), and would the cameras increase rear end accidents that would then take officers off the street to attend the accidents. Council also discussed if the red light cameras will deter business in the City or be seen as "Big Brother" watching.

City Attorney Onion clarified that the violations recorded by the red light cameras do not affect one's driving record and are not criminal actions, but rather they are civil actions taken against the driver. He also stated that Texas Attorney General opinion does not prohibit these devices and he knows of no successful constitutional challenges regarding the use of red light cameras.

Council asked that presentations be made by vendors and that additional information be provided to Council as a discussion item at a future meeting

Discussion on implementing regulations that will prohibit the use of hand-held cell phones to engage in a call or the use of a mobile communication device to send, read, or write a text message while operating a moving motor vehicle in an active reduced speed school zone within the city limits of Leon Valley (Lambert).

City Manager Lambert stated that the City of San Antonio approved a pilot program that will prohibit the use of handheld cell phones and communication devices in sixteen school zones and asked if Council wished for Leon Valley to also implement this type of policy aimed at safety in school zones.

Councilman Reyna expressed his concern about anyone not concentrating on driving and he was not in favor of the program. Councilmember Nelson stated that we should watch for the results of the pilot program and would support any program that will protect the safety of children.

Mayor Riley announced that Senator Van De Putte informed her and Councilmember Dean that state action would have to be built upon local level regulations. Mayor Riley expressed her

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safety concerns with drivers who are multi-tasking while operating their vehicles.

Council discussion continued as to whether the schools in Leon Valley are having a problem with driver inattention in school zones in Leon Valley and discussed that the issue is a popular issue at this time, but questioned whether the prohibition would improve safety conditions in school zones.

Discussion to consider a plastic bag reduction ordinance (Mayor Riley).

Mayor Riley provide background information on how the issue of reducing plastic shopping bag use was introduced and that input from the Earthwise Living Committee in support of this measure encouraged her to bring the issue to Council for discussion. Mayor Riley stated that Earthwise Living Committee members Rita Burnside and Rose Ryan and HEB representatives Jose Campuzano and Michael Byrne, were in attendance to provide additional information. Mayor Riley provided information of how other public entities are working to reduce plastic shopping bag use and how plastic shopping bags are having a negative effect on wildlife, waterways, and the environment in general.

Earthwise Living Committee Co Chair Rita Burnside addressed Council stating that since 1989, the motto of "Reduce, Reuse and Recycle" has been used and she was grateful that HEB was interested in partnering with the City to reduce the use of plastic shopping bags. She stated that people want to do something to help preserve the earth for future generations but do not know what to do that will make a difference. She stated that concrete ideas, such as reducing the plastic bag use will empower citizens to reduce the use these bags, which will also reduce the use of petroleum products.

Mayor Riley suggested that HEB ask their patrons "do you have your reusable shopping bag" along with "do you have any coupons".

Earthwise Living Committee member Rose Ryan gave each Councilmember a reusable shopping bags that are available at local stores.

Susan Ghertner from HEB, informed Council of the education and outreach programs. She also stated that HEB believes it is important to give the public a choice to use plastic or reusable shopping bags. She repeated information about proper bag disposal that will recycle the plastic shopping bags to be reused in things like new plastic bags, TREX wood building products, and railroad ties. She also informed Council that for every green reusable shopping bag sold, five cents (\$0.05) is donated to "Keep Texas Beautiful". She informed the Council that the "Keep Texas Beautiful" program also has grants of up to \$3,000 to enhance recycling programs.

Michael Byrne, from HEB, also addressed Council encouraging the use of reusable shopping bags and asked if Council felt that the inconvenience of carrying reusable shopping bags or lack of education were the primary reasons why the public wasn't using reusable shopping bags. He propose a five-year plan, which promotes public education on the positive effects of using reusable shopping bags rather than plastic disposable shopping bags, will produce positive results for our environment.

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Council continued discussion with mixed opinions on any prohibition of the plastic shopping bags, but gave favorable consensus to support a letter in support of partnering with HEB to encourage the use of reusable shopping bags. Councilmembers also expressed their concerns of any promotion of environmentally friendly products that are made in China, rather than in Texas. Councilmember Nelson asked if there was a way to measure the carbon footprint that the a reusable HEB shopping bag makes versus the footprint of the number of plastic shopping bags each reusable bag replaces.

City Manager's report (Lambert).

Report and Discussion on progress of the 2008 Strategic Plan (Lambert).

City Manager Lambert returned with the earlier agenda item on the discussion on the 2008 Strategic Plan and its 7 goals. He reported that the City has completed over 80% of the strategic plan, and that most of the remaining items require additional funding, take more investment or take more time, such as the November 4, 2008 ED tax. He recommended due to the late hour, Council may wish to hear this at a later date.

Councilman Reyna recommended that there be a separate meeting/workshop to review the strategic plan and to revise it to meet future needs. Council agreed that a Council planning workshop be set after the SDAT meetings. Council also discussed dates to hold a Council retreat as a followup up to their retreat held in May 2008.

Mr. Lambert gave each Councilmember a copy of the updated strategic plan which outlined accomplishments and actions to be completed under the 2008 Strategic Plan.

A. AIA Update.

City Manager Lambert informed Council of a phone conference held earlier in the week with Mayor Riley, Councilman Reyna, Tim Baisdon and Erin Simmons on the AIA's SDAT meetings to begin October 6, 2008. He presented the five long-range goals identified that the Team will address. He asked for Council's guidance on the five components to study as: 1) Transportation 2) City Center/Identity, 3) Sustainability 4) Economic Development, and 5) Land use/Open Space. He stated that the team will arrive Sunday, October 5 and depart October 9th. He stated that the agenda, transportation, hotels, meals and meeting locations are being set up. He stated that meetings will be held at the Conference Center, Community Center, Library, or Kinman House. Mayor Riley announced that the AIA team will also get the local AIA students involved in the process. All agreed that advertising the events will be very important.

B. Conflict with October 7, 2008 Regular City Council Meeting date and National Night Out.

Mayor Riley and City Manager Lambert opened the discussion for Council to consider the need for two regular City Council meetings in October since there will be several meetings with the AIA during the first week in October. Discussion also considered a community event at the Community Center on National Night Out if the AIA is holding a

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community meeting that evening. Councilman Reyna announced that he may not be in attendance at the SDAT meetings on October 7th and October 8th, depending on when his wife will be delivering her dissertation. Mayor Riley stated that we do not have the schedule confirmed with the AIA SDAT team, so a limited number of Councilmembers may be able to go to the neighborhood National Night Out parties. No decision was made on canceling or postponing the October 7, 2008 meeting.

Citizens to be heard.

Mayor Riley asked if anyone in the audience wished to address Council. Hearing no one, Mayor Riley asked for announcements from Councilmembers.

Announcements by Councilmembers and Mayor.

Councilman Manea announced that Business Alliance Committee member and local businessman Greg Michaels lost his battle with cancer on August 23, 2008 and that he will be missed.

Councilmember Baldrige expressed her appreciation to the Mayor for the budget summary in the Northwest Weekly,

Councilmember Nelson thanked Public Works Director Vick and the City Manager for insuring that the Poss Road crosswalk was done so quickly.

City Secretary reminded everyone of the "Help Us Help You" campaign being led by the Bexar County Elections Department to remind people if they have moved or changed their name, they will need to have their voter registration corrected by October 6, 2008.

Mayor Riley announced the September 6, 2008 Rabies Clinic will be held at the Community Center from 9 am - noon. She also announced the Grandparents' Day Concert to be held on Sunday, September 7th at 2:30 p.m. Mayor Riley congratulated the City Attorneys for their recent success in overturning a lower court decision at the 5th Circuit that was highlighted in the San Antonio Express News. She also encouraged people to take advantage of walking in the natural area where it is shady and cool.

Adjourn.

Hearing no further business, a motion was made by Councilman Reyna, seconded by Councilmember Dean, to adjourn the meeting. Hearing no objections, Mayor Riley announced the meeting adjourned at 9:39 p.m. and reminded everyone that the next meeting would be held the next Tuesday, September 9, 2008, for the second public hearing on the 2008 tax rate.

ATTEST:
Marie Feutz
City Secretary

Chris Riley
Mayor

Approved by City Council unanimous vote at the September 16, 2008 Regular City Council Meeting.